IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2007

CORAM:

THE HON'BLE MR.JUSTICE M.CHOCKALINGAM

W.P.NOS.39450 AND 39451 OF 2006 &
MP.Nos. 1 and 1 and WV.MP.No.1 of 2007

Jasmine Teacher Training Institute
run by Jasmine Educational trust
15, I Street, Bakthavatchalam Nagar,
Palavanthangal,Chennai 600 114.
rep. by its Managing trustee
Mr.W.Apollos David ...Petr.,in W.P.No.39450/06

Ruth Williams Teacher Training Institute
run by Christian Educational Trust
10, Thiruvalluvar Nagar Main Road,
Alandur, Chennai 600 016
rep. by its Managing Trustee
Mr.W. Apollos David ...Petr., in W.P.No.39451/06

Vs.

1.The Director,
Directorate of Teacher Education,
Research and Training,
College Road, Chennai 600 006.

2. The Secretary,
School Education Department,
Secretriate, St.Fort George,
Chennai 600009.

3. The Regional Director,
Southern Regional Committee,
National Council for Teacher Education,
CSD Building, I Floor,
HMT Complex, HJalahalli,
Bangalore 560 031. ...Respondents in both W.Ps.

Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus as stated within.

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For petitioners:Mr.L.Ramshankar
For Respondents 1 to 3: Mr.V.Arun
Additional Government Pleader

O R D E R

This order shall govern these two writ petitions viz. W.P.Nos.39450 and 39451 of 2006.

2 In both the writ petitions, the short case of the petitioner is that these two Educational Institutions were started to impart Elementary Education, that they have established Teacher Training Institute in the name and style of Jasmine Teacher Training Institute at Palavanthangal and Ruth Williams Teacher Training Institute at Alandur respectively, that the petitioners' Institutions have been granted recognition to offer Elementary (D.T.Ed) Course by the National Council for Teacher Education by the respective orders with an annual intake of 50 students, that the object of the training students in D.T.Ed course is to ensure that every trainee at the end of diploma course achieves academic excellence, provisional competence and commitment to serve the community and the District Institute of Education and Training (DIET) which has been established in each District will supervise and monitor the functioning of these two institutes. The Hon'ble Apex Court has framed guidelines to grant religious minority status to institutions in T.M.A Pai Foundation & Others Vs. The State of Karnataka reported in 2002 (8) SCC Page 481 subject to the final orders to be passed in the second appeal and ultimate guidelines that are to be laid down by the Regular Bench of the Supreme Court of India. The petitioners Institutions are fully eligible to be declared as a religious minority institution by virtue of the orders of the Hon'ble Supreme Court of India. The petitioners Institutions approached this Court by way of writ petitions in W.P.No.44854 and 44853 of 2002 respectively to permit the petitioners to admit students in the Institution in terms of the guidelines issued by the Hon'ble Apex Court and this Court by order dated 13.12.2002 directed the respondents to consider the representations of the petitioners, that the respondents restricted their recommendations of students under single window system to the petitioners Institution and thereby enabled the petitioners Institutions to admit 70% of the students by themselves as eligible to minority institutions. The Government of Tamil Nadu has prescribed certain guidelines in G.O.Ms.No.375 dated 12.10.1998 by following the dictum of the Supreme Court for the recognition of minority status of Institution run by religious as well as linguistic minority. The Government order is clear that any other community whose mother tongue is not Tamil shall be construed to be a linguistic minority and as far as religious minority are concerned that any religion other than Hindu Religion shall be construed to be

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a religious minority., the objective of the commencing the institution should be for the upliftment and betterment of the concerned religious minority and not otherwise and thirdly, the institution should be administered only by persons belonging to the minority religion and not otherwise. In the instant case, the petitioners have satisfied all the three tests and hence these petitioners who are minority institutions are fully entitled to fill up 70% of the seats out of the strength of 50 seats for the academic year 2006-07 and the rest of 30% to be filled up by the respondents under the single window system. Under such circumstances, representations were made and they are pending in the hands of the respondents to recognise the petitioners institutions as minority institutions, but it was not done so. Hence, every time it is very difficult for them to get the recognition. Once if they are recognised as minority institutions, they have to be proceeded with the admission of students to fill up 70% seat out of the total strength which they are entitled to. Under such circumstances, the above writ petitions have been brought forth by the petitioners.

3. Learned counsel for the petitioners reiterated the averments found in the affidavits.

4. The only reply given by the respondents side is that in the instant case, both the institutions have never been recognised as minority institutions, but they have filled up 70% of the seat out of the total strength. In so far as they have not been recognised as minority institutions, they are entitled to fill up up to 50% of the seats and the rest of the seats to be sponsored by the State. In the instant case, according to the petitioners, they have made representations as per the G.O. They have neither got the recognition from the State Government, nor they have obtained necessary orders from the competent authorities and hence they have to apply in a proper form and they have to give all the particulars prescribed in the said G.O., But, they have not complied with the procedures prescribed in the G.O.. The entire case of the petitioners rests on the so called representation made by them. Hence, the relief sought for by the petitioners seeking recommendation to declare them as minority institutions, cannot be allowed and hence both the writ petitions have got to be dismissed.

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5. After careful consideration on the rival submissions made, this Court is of the considered opinion that both the writ petitions require only a very short order. It is not in controversy that these two institutions who are petitioners herein before this Court have never been recognised as minority institutions by any process known to law. According to the petitioners, they satisfied the requisite tests as contemplated under the relevant G.O. It is pertinent to point out that G.O.Ms.No.375 School Education dated

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12.10.1998 which formulates, in a case like this that for obtaining the minority status, the petitioners institutions have to apply with all necessary particulars in an prescribed application for the scrutiny of the authorities. In the instant case, admittedly that was not done so. Instead, the petitioners would submit that they have given a representation long back. But, the said representatives have not been considered till date. Under such circumstances, this Court is of the considered opinion that mere representation made by the petitioners. without proper application or furnishing necessary particulars would not satisfy the requirements. Hence, it would be suffice if the petitioners are directed to file necessary application with all the particulars within a period of four weeks here from before the respondents authorities , and on doing so, the respondents authorities are directed to consider the their applications and pass orders on merits and in accordance with law, within a period of ten weeks there from and it is accordingly ordered.

6. With the observation, the writ petitions are disposed of. No costs. Consequently. MP.Nos. 1 and 1 and WV.MP.No.1 of 2007 are closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

VJY

To

1.The Director,
Directorate of Teacher Education,
Research and training,
College Road, Chennai 600 006.

2. The Secretary,
School Education Department,
Secretriate, St.Fort George,
Chennai 600009.

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3. The Regional Director,
Southern Regional Committee,
National Council for Teacher Education,
CSD Building, I Floor,
HMT Complex, HJalahalli,
Bangalore 560 031

+1cc to Govt. Pleader Sr 59797

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